

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
SAN ANGELO DIVISION

RYAN PEARL, Individually and as next
friend of B.P. a minor, ALEXANDRIA
NIETO, Individually and as next friend of
J.G., a minor,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

Civil Action No. 6:24-CV-00018-H

JOINT MOTION TO MODIFY SCHEDULING ORDER

Plaintiffs Ryan Pearl (individually and as next friend of B.P.) and Alexandria Nieto (individually and as next friend of J.G.) and Defendant the United States of America together and jointly move to modify the scheduling order under Federal Rule of Civil Procedure 16(b)(4). Specifically, the parties move to modify the trial date and certain other deadlines set forth in the Court's scheduling order (ECF No. 10) (from before the case was reassigned from Judge Cummings to Judge Hendrix) and to set certain deadlines believed to be typically set forth in Judge Hendrix's scheduling orders.

Deadlines	Current date	Proposed date
Initial Disclosures	None	3/21/2025
Plaintiffs' Expert Designation & Report	None	3/28/2025
Responsive Expert Designation & Report	None	5/27/2025
Rebuttal Expert Designation	None	6/26/2025
Mediation	6/2/2025	7/30/2025

Completion of Discovery	9/15/2025	9/15/2025
Expert Objections	9/15/2025	9/15/2025 or 10/15/2025 ¹
Dispositive Motions	6/2/2025	9/15/2025 or 10/15/2025
Pretrial Disclosures and Objections	9/15/2025	1/16/2026
Pretrial Materials	9/15/2025	1/16/2026
Exchange of Exhibits	9/15/2025	1/23/2026
Trial Date	10/6/2025	2/6/2026

The Court may modify a scheduling order on good cause shown. Fed. R. Civ. P. 16(b)(4). There is good cause to modify the current scheduling order. The parties have diligently pursued discovery: each side has served and responded to written discovery (although the parties disagree about the completeness), each side has produced thousands of pages of documents in response to document requests, the United States has served multiple subpoenas, the parties have scheduled two depositions (of both drivers of the vehicles involved in the accident), and the United States has noticed under Federal Rule of Civil Procedure 30(b)(6) the deposition of the Texas Department of Transportation (TxDOT) a designated responsible third party. The parties are working together to diligently complete discovery in a timely manner but believe setting deadlines for (among other things) expert disclosures, after which point the parties will

¹ Plaintiffs request a dispositive and *Daubert* motion deadline at the close of discovery. Defendant requests the deadline 30 days after the close of discovery. Plaintiffs' position is that this is a simple car wreck case, resulting in a side-impact collision occurred when a USPS van failed to yield and struck the side of Plaintiffs' car. Plaintiffs do not expect significant motion practice but would request as much space between the close of discovery and trial date to ensure that parties can get the trial date requested (Feb. 2026).

The United States' position is that the lack of a stop sign in the Postal Service driver's direction of traffic was a substantial factor in the car accident (*see* ECF Nos. 11 and 12), and Plaintiffs Nieto's and J.G.'s negligent failure to wear seatbelts were substantial factors in their injuries. Because Plaintiffs are believed to be seeking substantial future medical costs for the treatment of traumatic brain injuries (not readily visible to a lay person), extensive expert testimony is expected. The United States does not believe the Court or justice will be served if expert briefing (and, if necessary, the preparation of dispositive motions) occurs during the discovery period, while many experts may still be being deposed and documents being produced. Instead, the United States proposes 30 days between the close of discovery and the deadline to file such motions, which is believed to be consistent with the Court's practice in its typical scheduling orders.

engage in mediation, will help resolve this matter. The parties have identified Paul D. Stipanovic as the agreed mediator and are looking at dates in May or June for mediation.

To build in adequate time for rulings on dispositive and expert motions and to prepare for trial after the close of discovery (which was originally set to close in September 2025 and will remain unchanged), the parties propose trial begin on February 6, 2026.

Dated: February 26, 2026

Respectfully Submitted,

/s/ Tom Jacob (w/p)

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CERTIFICATE OF SERVICE

I certify that on February 26, 2025, a copy of the above was electronically filed with the Court's CM/ECF system and served on Plaintiffs.

/s/ George M. Padis

George M. Padis